



New Jersey Department of Children and Families Policy Manual

Manual:	DCF	DCF Wide	Effective Date:
Volume:	III	Administrative Policies	
Chapter:	A	Human Resources	5-5-2008
Subchapter:	1	Human Resources	
Issuance:	021-2008	Inspection of Personnel Files and Employment Reference and Salary Verification Requests	

I. PURPOSE

The purpose of this Policy is to establish procedures for the access and review of employee personnel files by individual employees, management, and other appropriate entities. This policy also addresses the policies and procedures relative to employment reference and salary verification requests.

II. SCOPE

This Policy applies Department-wide.

III. AUTHORITY

Department of Personnel Regulations, N.J.A.C. 4A:1-1 and 2.2(a)
Workers' Compensation Law, N.J.S.A. 34:15.1 et seq.
NJ Law against Discrimination, N.J.S.A. 10:5-29.1 et seq.
American with Disabilities Act, 42 U.S.C. Section 12101

IV. DEFINITION AND SCOPE

An employee is any person currently employed by, or on leave of absence, separated, transferred, or retired from, the Department of Children and Families (DCF).

A personnel file is a record that contains information related to an employee's employment. It is maintained in a confidential and secure manner by the Office of Human Resources (HR).

An employee's personnel file contains, but is not limited to, the following:

- New hire paperwork and other documents related to the employment process (Attachment 1),
- Acknowledgement of Receipt of New Hire Package,

- Authorized payroll deduction forms,
- Forms pertaining to benefit/insurance programs,
- Personnel Action Requests and PMIS approval documentation,
- Performance evaluation/assessment forms and related documentation,
- Employment/salary verification requests and responses,
- Court orders pertaining to support payments,
- Letters/documentation of commendation, disciplinary actions, and complaints connected with employment, job performance, or separation.

Management and other appropriate DCF Units or Staff refers to members of Executive Management, Senior Staff, Area Directors, Office of Equal Employment/Affirmative Action, Office of Cooperative Labor Relations, and the Office of Legal and Regulatory Oversight.

External agencies are organizations other than DCF.

V. PROCEDURES

A. Employee Access and Review

1. An employee who wishes to inspect their personnel file must call HR to arrange a mutually convenient time for the review. HR will make a reasonable effort to provide an appointment to the employee within five (5) business days.
2. In order to protect the integrity of personnel records, the review of personnel files is permitted only in the presence of an authorized employee of HR.
3. No employee may alter or remove any document from their file. However, copies of the file, or portions of the file, may be requested by the employee.
4. If there is a disagreement with, or alleged errors in, the information contained in the file, removal or correction of that information must be mutually agreed upon by HR and the employee. If an agreement is not reached, the employee may consult with the Office of Cooperative Labor Relations to determine the appropriate avenue of appeal.

B. Management, and other Appropriate DCF Units or Staff, Access and Review

1. Management and other appropriate units or staff as defined above may inspect an employee's personnel file on a "need to know" basis.
2. In order to protect the integrity of personnel records, the review of personnel files is permitted only in the presence of an authorized employee of HR. Documents may not be altered or removed from the personnel file.

3. All requests to review an employee's personnel file must be made through the Director of HR, who will make the appropriate arrangements.

C. External Agency Access and Review

1. 1.DCF Personnel Records and Files

- a. Certain external agencies, in order to carry out their duties and responsibilities, are authorized by law or regulation to have access to DCF employee personnel files and records. These include, but may not be limited to, the following:
 - Department of Personnel,
 - Division on Civil Rights,
 - U.S. Equal Employment Opportunity Commission,
 - U.S. Department of Health and Human Services, Office of Civil Rights,
 - Attorney General's Office, and
 - Other law enforcement agencies.
- b. Personnel files and records may also be provided to external agencies in response to written authorization to release such information from the present or former employee.
- c. c.Personnel files and records may also be provided in response to a duly executed court order signed by a judge.

2. Department of Personnel (DOP) Records and Files

- a. Under N.J.A.C. 4A:1-2.2(a) the following Department of Personnel records shall be public:
 - An individual's name, title, salary, compensation, dates of government service, and reason for separation,
 - Information on specific educational or medical qualifications required for employment,
 - Final orders of the Commissioner or Board; and
 - Other records which are required by law to be made, maintained, or kept on file.
- b. Individual personnel records, except as specified above, are not public records and shall not be released other than to the subject employee, an authorized representative of the employee, or governmental representatives in connection with their official duties.

- c. Beyond the terms of the information releasable under the provisions of N.J.A.C. 4A:1-2.2(a), any further information is releasable only with a court order signed by a judge.

D. Employment Reference and Salary Verification Requests

1. The only authorized respondent to employment reference or salary verification requests is the Office of Human Resources. All requests of this nature must be referred to HR. Employees and managers not assigned to HR are expressly prohibited from responding, either verbally or in writing, to any employment reference or salary verification request.
2. Employment reference and salary verification requests from external agencies must be requested in writing. Verbal requests will not be accommodated. Before HR responds to a request, the present or former employee must provide written authorization to release such information.

VI. **CONFIDENTIALITY**

A. In compliance with the provisions of the Americans with Disabilities Act (ADA), which became effective July 26, 1992, and in accordance with DCF Policy 019-2007 ADA, all medically related employee and applicant records will be treated as confidential information.

This includes, but is not limited to, the following:

- Information obtained from physical examination,
- Medical documentation,
- Sick leave injury documentation,
- Records regarding a request for reasonable accommodation, and
- Any information from voluntary employee health fairs or similar activities.

B. Medical documents and/or information shall be maintained on separate forms and held in separate locked files from other types of personnel information.

All medical information must be kept confidential, with the following exceptions:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of the employee and necessary accommodations.
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or evacuation.

3. .Relevant information may be provided to government officials investigating an employee complaint regarding compliance with the ADA and/or the N.J. Law Against Discrimination.
4. Relevant information may be provided to State Workers' Compensation offices in accordance with State Workers' Compensation laws.
5. Relevant information may be provided in response to a duly executed court order, signed by a judge.
6. Relevant information may be provided in response to written authorization to release such information from the present or former employee.
 - A. Whenever medical information is disclosed, in accordance with the above listed exceptions, the disclosing party shall inform the recipients of the confidentiality requirements in regards to the information.
 - B. This section applies to the official files kept in the DCF Central HR office. In no instances shall medical information be kept in files in the field or offices other than the DCF Central HR office.

Date

Eileen M. Crummy
Acting Commissioner

Attachments:

1. [New Hire Checklist](#)